

REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are respectfully requested.

Original claim 29 was rejected under 35 USC § 112, second paragraph, for having insufficient antecedent basis for the limitation “... said information device...” This rejection is believed clearly inapplicable to claim 29 since claim 29 has been amended specifically to avoid the problems identified by the Examiner and to otherwise clearly comply with the requirements of 35 U.S.C. § 112, second paragraph.

Claim 36 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 36 has been amended to recite “a computer readable recording medium storing a program for causing a computer to execute an imaging method,” as suggested by the Examiner. As a result, withdrawal of the rejection is respectfully requested.

Claims 29, 30, 32, 33, 35, and 36 were rejected under 35 U.S.C. § 102(e) as being anticipated by Sampsell (U.S. 6,614,988). Further, claim 31 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sampsell in view of Miyasaka et al. (U.S. 5,493,647). In addition, claim 34 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sampsell. Independent claims 29, 35, and 36 have been amended so as to further distinguish the present invention, as recited therein, from the references relied upon in the rejections. As a result, the rejections are submitted to be inapplicable to amended independent claims 29, 35, and 36 and the claims that depend therefrom for the following reasons.

The imaging device/program/method of claims 29, 35, and 36 is capable of combining, at a time of receiving an auxiliary information input and of capturing and converting an image into an image signal, auxiliary information received at the time with first digital data corresponding to the image captured at the time, to produce second digital data including the combined auxiliary information and first digital data.

On the other hand, the Sampsell (primary) reference teaches adding a label to a photograph or video captured at a time which is after the time at which the photograph or video is captured.

The distinguishing features of amended claims 29, 35, and 36 in relation to the prior art of record are discussed in more detail below.

Amended independent claim 29 recites an imaging device for adding auxiliary information to digital data, the imaging device including, in part, (1) an interface device operable to receive an externally generated image input and operable to receive an auxiliary information, (2) an imaging unit operable to capture and photoelectrically convert an image into an image signal when the interface device receives the externally generated image input, (3) a coding device operable to generate first digital data by compressing the image signal, and (4) a digital data generation device operable to (i) combine, at a time when the interface device receives the auxiliary information input and when the image is captured and photoelectrically converted into the image signal by the imaging unit, the auxiliary information received at the time with the first digital data corresponding to the image captured by the imaging unit at the time, (ii) produce second digital data including the combined auxiliary information and first digital data, and (iii) output the second digital data to a recording device or a transmission device.

Based on the configuration described above, at the time which (i) the interface device receives the auxiliary information and (ii) the image is captured by the imaging unit, the digital data generation device is operable to combine (i) the auxiliary information received at the time and (ii) first digital data corresponding to the image captured at the time by the imaging unit.

The Sampsell reference fails to disclose or suggest an imaging device, which, the time which (i) the interface device receives the auxiliary information and (ii) the image is captured by the imaging unit, the digital data generation device is operable to combine (i) the auxiliary information received at the time and (ii) first digital data corresponding to the image captured at the time by the imaging unit as recited in independent claim 29.

Rather, as discussed in the Amendment filed on February 14, 2007, Sampsell teaches overlaying or attaching a label to video clips or photographic images, wherein the label is added after the photograph/video has been captured, compressed, and stored on a storage device and the label is added to the photograph/video which was captured prior to and not at the same time at which the label input is received (see col. 2, lines 21-27, and Fig. 4). Specifically, referring to fig. 4, Sampsell teaches that (1) a camera 120 receives an image, (2) an analog-to-digital converter 124 converts the analog output of the camera 120 to a digital signal, (3) a compressor 126 compresses a digital output from the converter 124, (4) the compressed data is then stored on a tape 128 (i.e., storage device), and (5) the natural language interface 12 then labels the already captured and

compressed data (i.e., compressed video or photograph) stored on the storage device, wherein the captured and compressed data to which the label is added is data that was not captured/compressed at the time the input to the interface 12 is received, but rather the label is added to data that was captured/compressed at a different time from which the input to the interface 12 is received.

Based on the configuration disclosed in the Sampsell reference, the natural language labeling of a photograph/video using words permits the user to add a label, (i) after a time which the photograph/video (i.e., data) has been captured and compressed, and (ii) to data that was not captured/compressed at the time the input to the interface is received. Accordingly, the following differences between the present invention as recited in independent claim 29 and the Sampsell reference become evident.

Sampsell teaches capturing and compressing a photograph/video and then, after a time which the photograph/video (i.e., data) has been captured/compressed, adding a label to the data wherein the data to which the label is added is data which is captured at a different time from when the input to add the label is received. However, Sampsell does not disclose or suggest an imaging device, which, at the time which (i) the interface device receives the auxiliary information and (ii) the image is captured by the imaging unit, the digital data generation device is operable to combine (i) the auxiliary information received at the time and (ii) first digital data corresponding to the image captured at the time by the imaging unit as recited in independent claim 29.

In other words, Sampsell does not disclose or suggest the above-mentioned limitations of independent claim 29 because adding a label to a captured/compressed data after a time which the data was captured/compressed and adding the label to data which was captured/compressed at a different time than the time when the input to add the label is received is not the same as or even similar to combining auxiliary information (e.g., a label) to an image which was captured at the time which the auxiliary information was received.

In view of the above, it is respectfully submitted that the Sampsell reference does not anticipate the invention as recited in amended independent claim 29. Furthermore, Sampsell does not suggest the above-discussed limitations of claim 29. Therefore, it would not have been obvious to one of ordinary skill in the art to modify the Sampsell reference so as to obtain the invention of amended claim 29. Accordingly, it is respectfully submitted that claims 29-34 are clearly allowable over Sampsell.

The program/method claims 35 and 36, respectively, were rejected for the same reasons as was independent apparatus claim 29. The limitations of program/method claims 35 and 36 are similar to those discussed above regarding apparatus claim 29.

Accordingly, claims 35 and 36 each includes limitations which are similar to the distinguishing limitations of claim 29 discussed above. Thus, for reasons similar to those discussed above, it is respectfully submitted that claims 35 and 36 are allowable over the Sampsell reference.

The Examiner rejected dependent claim 31 as being unpatentable over Sampsell in view of Miyasaka. The Examiner relied on Miyasaka for teaching an interface device which includes a microphone operable to receive audio, wherein the auxiliary information indicates a level of audio received by the microphone. However, although Miyasaka does in fact disclose storing attributes of the level data of a quantized audio signal, Miyasaka does not disclose or suggest the above-discussed features of independent claim 29 which are lacking from the Sampsell reference. Accordingly, the combination of Sampsell in view of Miyasaka fails to disclose or suggest the features of dependent claim 31 by virtue of its dependency on claim 29. Thus, it is apparent that claim 29 and the claims that depend therefrom are allowable over Sampsell in view of Miyasaka.

The Examiner rejected dependent claim 34 as being unpatentable over the Sampsell reference. The Examiner stated that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to incorporate [an] imaging device, such as CCD cameras into mobile phones to increase portability.” However, as discussed above, Sampsell does not disclose or suggest the above-discussed features of independent claim 29 which are lacking from the Sampsell reference. Accordingly, Sampsell fails to disclose or suggest the features of dependent claim 34. Thus, it is apparent that claim 29 and the claims that depend therefrom are allowable over Sampsell.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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